

**Notice of Allowability**

Application No.

09/940,589

Examiner

Dennis Rosario-Vasquez

Applicant(s)

INOUE ET AL.

Art Unit

2621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amend 10/04/2004.
2. ☒ The allowed claim(s) is/are 4,5,7,17,18,20 and 28-33.
3. ☒ The drawings filed on 08/29/2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 09/17/03 06/14/04 07/15/04 ✓
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**DANIEL MIRIAM**  
**PRIMARY EXAMINER**

**DETAILED ACTION**

***Response to Amendment***

1. The amendment was received on October 4, 2004 and has been entered and reviewed. Currently claims 4,5,7,17,18,20,28,29,30,31,32 and 33 are pending.

***Information Disclosure Statement***

2. The IDS filed on August 17, 2004 does not have a copy of application number 10/849,813 scanned into IFW. Please resubmit the application for consideration. If the application has been submitted, please disregard the resubmission of the application.

***Response to Arguments***

3. Applicant's arguments, see Amendment pages 8-10, filed October 4, 2004, with respect to claims 7,20 and 29 have been fully considered and are persuasive. The rejection of claims 7, 20 and 29 has been withdrawn.

***Allowable Subject Matter***

4. Claims 7, 20 and 29 allowed.

5. Claims 4,5,17,18,28,30,21,31,32 and 33 depend from the above claims, so the dependent claims are allowed.

6. The following is an examiner's statement of reasons for allowance:

Claims 7, 20 and 29 are allowed because the prior art does not suggest the limitation of creating white reference data blocks based on a roller exceeding one round of the roller and creating fractional blocks of the white reference data blocks based on an average. This feature is not suggested in the prior art especially in the environment of the respective claim.

The closest prior art is Shimamura et al. (US Patent 6,246,484 B1) which shows a series of blocks that is divided into white and shaded portions in figure 9. The white portions corresponds to a fractional block; however there is no specific teaching of the rounds or circumference of a roller that creates the data of figure 9. Also, the reference teaches away from a peak average value.

The benefit of the above claimed feature is white shading data can be kept uniform precisely so as to perform a high-quality image-reading.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kameyama (US Patent 6,295,140 B1) is pertinent as teaching a method of selecting white reference data with stained portions of a roller as shown in figures 7, 9a and 9b.

Omori (US Patent 5,107,350 A) is pertinent as teaching a method of using white correction data with a roller of figures 7a-e.

Hirota (US Patent 4,987,485 A) is pertinent as teaching a method of calculating averages of white correction data and taking the maximum of the averages as shown in figure 8, numerals 105 and 106.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario-Vasquez whose telephone number is 703-305-5431. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Dennis Rosario-Vasquez  
Unit 2621

  
**DANIEL MIRIAM**  
**PRIMARY EXAMINER**